



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Jeffrey Dunmire	)	Group Art Unit 3677
			)	
Appl. No.	:	10/829,135	)	
			)	
Filed	:	April 21, 2004	)	
			)	
For	:	MAGNETIC JEWELRY	)	
			)	
Examiner	:	Jack W. Lavinder	)	
			)	

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

April 22, 2008  
(Date)

R. Scott Weide, Reg. No. 37,755

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

By the Office Action mailed October 22, 2007, the Examiner indicated the rejection of Claims 1 and 10-11 under 35 U.S.C. § 103(a) as being unpatentable over FDP Magnetics ("FDP") in view of Fontana (USPN 4625508), and rejected Claims 4 and 12-19 as unpatentable over FDP in view of Fontana or Kundert (USPN 2775093).

As the Examiner admits, FDP does not disclose: (1) the claimed links of titanium; (2) the claimed relative size of the face of the magnet compared to the face of the whole link; or (3) the claimed oval-shaped magnetic elements. The Examiner asserts that it would be obvious to modify FDP to address these deficiencies. Applicant previously presented substantial evidence of non-obviousness of the invention as claimed. As noted by the Federal Circuit, "[o]bjective evidence [of non-obviousness], composed of real world facts, is entitled to great weight in a case." Rosemount, Inc. v. Beckman Instruments, Inc., 727 F.2d 1540, 221 U.S.P.Q. 1 (Fed. Cir. 1984). Such evidence